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ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD CAUNITZ,

Plaintiff,

-against-

IBM CORPORATION

Defendant.

Case No.: 15-cv-9281 (VB)

**DECLARATION OF KEVIN G.
LAURI, ESQ. IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

The following declaration is made pursuant to 28 U.S.C. § 1746:

1. I am a Principal of the law firm of Jackson Lewis P.C., attorneys for Defendant International Business Machines Corporation ("Defendant") in the above-referenced matter, and I submit this Declaration based on my personal knowledge in support of Defendant's Motion to Dismiss Plaintiff's Complaint.

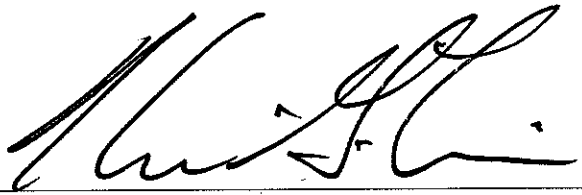
2. A true and correct copy of Plaintiff's Complaint is attached as Exhibit "A."

3. A true and correct copy of the "About Your Benefits-Post Employment" ("AYB") booklet is attached as Exhibit "B."

4. True and correct copies of unreported decisions cited in Defendant's accompanying Memorandum of Law are attached as Exhibit "C."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2016

A handwritten signature in black ink, appearing to read "Kevin G. Lauri", is written over a horizontal line.

KEVIN G. LAURI